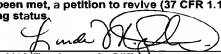


7/7/10 14:00:00

FORM PTO-1390 (REV. 01-2003)		U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <b>126300</b>	
<b>TRANSMITTAL LETTER TO THE UNITED STATES          DESIGNATED/ELECTED OFFICE (DO/EO/US)          CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/560,432	
INTERNATIONAL APPLICATION NO. PCT/EP2004/005879		INTERNATIONAL FILING DATE June 1, 2004		PRIORITY DATE CLAIMED June 23, 2003	
TITLE OF INVENTION OPTICAL INCLINOMETER					
APPLICANTS FOR DO/EO/US Bernhard BRAUNECKER; Peter KIPFER					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). c. <input type="checkbox"/> The International Application was filed in English. 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).					
<b>Items 11 to 20 below concern document(s) or information included:</b>					
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information:					

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 10/560,432		INTERNATIONAL APPLICATION NO. PCT/EP2004/005879		ATTORNEY'S DOCKET NUMBER 126300	
21. <input type="checkbox"/> The following fees are submitted:				<b>CALCULATIONS      PTO USE ONLY</b>	
<b>BASIC NATIONAL FEE (37 CFR 1.492(a)):</b> .....				\$ 300.00	\$
<b>SEARCH FEE (37 CFR 1.492(b)(1)-(3)):</b>				\$	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage .....				\$ 0.00	
International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA .....				\$ 100.00	
International search report provided to USPTO no later than the time at which the search fee is paid .....				\$ 400.00	
All situations not provided for above .....				\$ 500.00	
<b>EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)):</b>				\$	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage .....				\$ 0.00	
All situations not provided for above .....				\$ 200.00	
Surcharge of \$130.00 for furnishing the search fee, the examination fee or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
TOTAL PAGES OF APPLICATION OVER 100 ( - 100)		+ 50	= †	x 250 =	\$
round up to next integer					
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	\$
TOTAL CLAIMS		- 20	=	x 50.00 =	\$
INDEPENDENT CLAIMS		- 3	=	x 200.00 =	\$
MULTIPLE DEPENDENT CLAIM(S)(if applicable)				+ 360.00 =	\$
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$	
				Amount to be refunded:	\$
				charged:	\$
a. <input type="checkbox"/> Check No. _____ in the amount of \$_____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0451. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. <b>SEND ALL CORRESPONDENCE TO:</b> OLIFF & BERRIDGE, PLC Customer Number: 25944					
				 NAME: James A. Oliff REGISTRATION NUMBER: 27,075	
				NAME: Linda M. Saltiel REGISTRATION NUMBER: 51,122	
Date <u>March 14, 2006</u>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Bernhard BRAUNECKER et al.

Application No.: 10/560,432

Filed: January 30, 2006

Docket No.: 126300

For: OPTICAL INCLINOMETER

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date of this non-CPA application, OR (b) before the mailing date of a first Office Action on the merits in the present application. No certification or fee is required.
- ☒ 2. Relevance of one or more non-English language reference is discussed in the present specification. See References 6-9.
- ☒ 3. One or more reference cited herein was cited in the International Search Report. An English language version of the International Search Report is attached for the Examiner's information. See References 2-5.
- ☒ 4. In accordance with 37 CFR §1.98(a)(2)(ii), copies of any U.S. patents and patent application publications are not attached.
- ☒ 5. An English language Abstract of one or more non-English language reference is attached hereto. See Reference 2.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Linda M. Saltiel

Registration No. 51,122

JAO:LMS/nxy

Date: March 14, 2006

OLIFF & BERRIDGE, PLC

P.O. Box 19928

Alexandria, Virginia 22320

Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE  
AUTHORIZATION

Please grant any extension  
necessary for entry;

Charge any fee due to our  
Deposit Account No. 15-0461

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LR/

Form PTO-1449 (REV. 1/06)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 126300		APPLICATION NO. 10/560,432	
INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)				APPLICANTS Bernhard BRAUNECKER et al.			
				FILING DATE January 30, 2006		GROUP	
U.S. PATENT DOCUMENTS							
Examiner Initials	Cite No.	Document Number	Date	Name			
	1.	5,371,951	12/13/1994	Wilfried PISKE			
	2.	4,239,392	12/16/1980	Richard A. POHLE			
	3.	6,088,090	07/11/2000	Tadahiko HOSHI et al.			
FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation	
	4.	DE 198 00 844 A1	07/15/1999	GERMANY			
	5.	DE 196 21 189 A1	11/27/1997	GERMANY			
	6.	DE 196 10 941 A1	09/25/1997	GERMANY			
	7.	DE 198 19 610 C1	08/26/1999	GERMANY			
	8.	DE 41 10 858 A1	10/08/1992	GERMANY			
	9.	WO 03/104748 A1	12/18/2003	WIPO	X		
OTHER DOCUMENTS							
Examiner Initials	Cite No.	(Including Author, Title, Date, Pertinent Pages, etc.)					
EXAMINER		/Luke Ratcliffe/				DATE CONSIDERED 03/26/2008	
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Date: March 14, 2006

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LR/